

### REMARKS

Applicant responds to the final office action dated June 2, 2009, by submitting the following remarks and a Declaration under Rule 1.132 (the "Declaration") from Mr. Martin Scholz, the first-named inventor of the present patent application. Applicant respectfully requests reconsideration of the pending rejections in view of the Declaration and the following remarks.

Claims 1-20 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Coker (USPN 2007/0250840) in view over Lee (USPN 2004/0088700) and Balducci (USPN 2004/0103174).

Applicant respectfully traverses this rejection. For the reasons articulated in the Declaration, Applicant respectfully asserts that Coker, Lee and Balducci do not render the present subject matter unpatentable.

The present patent application includes claims 1-20, of which claims 1, 10, 11, 14 and 15 are independent claims. Particularly, claim 1 is directed toward a method in which executable code is provided from a server device to a client device. Independent claim 10 is directed to a computer program product and recites similar language as claim 1. Independent claim 11 is directed to a method in which a client device receives and stores executable code from a server device, blocks user input, and presents a message upon determining that a client-server communication lasts too long. Independent claim 14 is directed to a computer program product and recites similar language as claim 1. Independent claim 15, finally, is directed to a system comprising a server device and a client device, wherein "client-side framework code ... (ii) when executed on the client device blocks the client device from receiving user input ... and, upon determining that the specific time has been exceeded, causes a message provided in the code to be presented to a user of the client device." Coker, Lee and Balducci do not teach or suggest the ways of performing blocking and message presentation as recited in the independent claims.

First, Coker teaches that a notification regarding runtime delay is made from the server to the client. [Declaration para. 6.] This differs fundamentally from the approach in the present subject matter, where a client device alerts its user upon determining that a delay occurs. Moreover, contrary to the assertion on page 4, lines 9-11 of the final office action, the requests

that Coker's client sends to the server appear to be tied to the particular application generating the request. [Decl. para. 6.]

Second, Coker's server alerts the client user about predicted, not actual, delays. [Decl. para. 7.] Of course, predicting when a delay might occur is susceptible to false negatives (i.e., failing to predict an actual delay) and false positives (i.e., wrongly predicting a delay). Again, Coker's approach contrasts sharply with the present subject matter, where the message regarding delayed client-server communication is sent upon determining that the delay occurs.

Third, Coker's locking feature is different from that in the present subject matter. After Coker's client transmits a request, Coker's client waits a period of time before locking the client device. [Decl. para. 8.] In the present subject matter, by contrast, the client device is blocked from receiving input "during each of the communications between the client device and the server device," as recited in claim 1, for example.

Lee and Balducci do not provide the subject matter missing from Coker that is discussed above. Moreover, Applicant respectfully points out the following regarding Balducci.

First, Balducci's synchronization operation appears to be used only on some, not all, client-server communications. [Decl. para. 12.] This contrasts with the present subject matter, where blocking and delay determination are performed "during each of the communications between the client device and the server device," as recited in claim 1, for example.

Second, if Coker and Balducci were combined, it appears that some redundancy would occur and at least Coker's notification mechanism would not be needed for synchronization anymore. [Decl. para. 13.] Rather, the implementer could presumably either keep Coker's notification mechanism as a partially redundant component, or replace it with another notification mechanism that does not overlap with the synchronization performed by Balducci's engines. Each solution appears to be subject to disadvantages, which shows that the reason for combining Coker and Balducci asserted in the final office action may not exist.

Finally, with regard to Lee, applicant notes that the final office action asserted that this reference teaches "a system for automatically installing software on a client via a server." [Final office action page 3.] However, Applicant reemphasizes that Coker's notification about predicted delays is performed by the server. As such, the corresponding code in Coker is presumably server-oriented and not intended to be executed on a client. The final office action, in contrast, apparently relied on Lee to show that Coker's predicted-delay message could be

generated by the client instead of, as Coker teaches, by the server. But Lee does not change the fact that Coker does not teach or suggest any code executed by a client to indicate delay.

In summary, significant differences between the present subject matter, on one hand, and the Coker, Lee and Balducci references, on the other, have been discussed above and in the Declaration. Based on this, Applicant respectfully submits that the rejection under section 103 is not proper and should be withdrawn.

### **Conclusion**

The present subject matter is not disclosed or rendered unpatentable by any reference of record. Applicant therefore requests allowance of all pending claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

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